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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA
AT ANCHORAGE

NORTHERN DYNASTY MINERALS
LTD. and PEBBLE LIMITED
PARTNERSHIP,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Defendant.

CASE NO. 3:24-cv-00059-SLG

**DECLARATION OF ANDRIA AGLI IN SUPPORT OF APPLICANT
INTERVENOR DEFENDANT BRISTOL BAY NATIVE CORPORATION'S
MOTION TO INTERVENE (Fed. R. Civ. P. 24)**

I, Andria Agli hereby declare as follows:

1. I submit this declaration in support of Bristol Bay Native Corporation's ("BBNC") Motion to Intervene as a defendant in the above-captioned case. I have personal knowledge of the matters set forth herein.

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2. BBNC is the Alaska Native Claims Settlement Act (“ANCSA”) regional corporation for the Bristol Bay region, serving more than 11,800 Yup’ik, Alutiiq, and Dena’ina shareholders with ancestral ties to the Bristol Bay region. BBNC’s businesses in commercial seafood, construction, sport fishing and tourism, government services, and other industries generate more than \$2 billion in revenue annually.

3. I am currently the Senior Vice President, Shareholder and Corporate Relations at BBNC, and I have worked at BBNC for 33 years. I am Sugpiaq, a tribal member of South Naknek Village, and a BBNC and Alaska Peninsula Corporation shareholder.

4. My father, originally from New York City, New York, made his final Air Force duty station in King Salmon, Alaska in the 1960’s where he met my mother at a local gathering. My mother comes from a legacy of subsistence fishers, hunters and gatherers. Her lineage goes back thousands of years to an ancestral migration population following the seasons and food sources. My paternal grandfather grew up in Old Savonoski, a village on the Savonoski River in what is now Katmai National Park and Preserve. The village was abandoned during the 1912 Novarupta eruption and is now overrun by the invasive alder brush. The location was and still is prime for its fish and game resources. Our ancestral families harvested the fall fish since millenia in and around Brooks River. This area is one of the largest historic archaeological districts in North America that documents the continued use of subsistence activities, including red fish, or spawn-phase sockeye salmon. My parents married soon after meeting and relocated to Tyndall Air Force

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Base in Panama City, Florida. My mother tolerated the Florida heat, humidity, scorpions and other bugs, but greatly missed many, many things: Alaska's fresh air and clean water, abundant wild Bristol Bay salmon and other subsistence foods. We moved back to Bristol Bay in the 1970's where my siblings and I grew up immersed in our family's commercial fishing operation and traditional hunting and subsistence gathering.

5. My responsibilities at BBNC include the Shareholder and Corporate Relations department; as such, I am responsible for building and maintaining BBNC's interaction directly with our shareholders, communities, and partnership organizations on a daily basis.

6. My work at BBNC allows me to hear concerns from a wide array of our shareholders, staff, and board members. I have worked closely with these individuals to help BBNC develop and further its social and economic goals and its commitment to preserving a traditional subsistence lifestyle and a sustainable relationship with salmon for future generations.

7. Subsistence in the Bristol Bay region is dependent foremost on the salmon. Subsistence is not only an economic necessity; subsistence has spiritual dimensions integral to the social wellbeing of the families and communities in the Bristol Bay region. Village life coalesces around the anticipation of the fish, fish return, work of harvest, joy of preparation, celebration and feasts, sharing with the elders and teaching the younger generation these essential survival skills. I have family that live in the region, and me and my siblings return every summer to commercial fish and harvest, fillet, dry, smoke, kipper,

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or can salmon during our short summer season. We still use my late grandmother's smoke house that was built over 40 years ago, being gentle with our upkeep and minor repairs to the historic building. These traditional ways were taught and shared by my grandmother, my late mother, as well as my late godmother. They stressed the importance of paying mindful attention to detail to carry the traditions on after their passing.

8. The importance of Bristol Bay's salmon resources to BBNC and its shareholders can be seen in Bristol Bay Native Corporations main office where the walls are painted the color of the red salmon and covered with salmon pictures. The pictures on the walls reflect the life cycle of the salmon and the bright red-orange salmon flesh being filleted, hung to dry and eaten. The BBNC staff often wear salmon skin jewelry, fish ties; the official corporate branding, the cups, the stationary all depict fish icons, reflecting the deep cultural commitment the region, the directors and the corporation have to the salmon, fishing and the subsistence lifestyle. Every office potluck that I have attended over the last 30+ years has included salmon as a central part of the offerings. The arrival of the first king salmon in the region is celebrated with excited office chatter, as we patiently wait its express arrival on Alaska Airlines cargo for a company-wide feast of fresh grilled salmon fillets, baked king salmon heads, and boiled fish eggs, should we be lucky to receive a female. Multiple staff, including three company officers, take leave from our corporate office so they can either participate in the commercial salmon season or subsistence fishing and gathering.

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9. Bristol Bay's salmon culture has been confirmed by various studies and reports, including a 2012 subsistence study commissioned by BBNC and conducted by cultural anthropologist Don Callaway entitled "A Statistical Description of the Affected Environment as it Pertains to the Possible Development of the Pebble Mine—17 Communities in Bristol Bay." The Callaway study shows that subsistence resources and activities related to harvesting these resources play a major role in defining Alaska Native families and communities, including the passing on of knowledge and traditions from elders and the reinforcement of Native values, such as generosity, respect for elders, self-esteem, and cultural respect. Moreover, the Callaway study shows that Alaska Native households in Bristol Bay are highly reliant on subsistence resources as sources of food. For instance, the study finds that, given the extremely high cost of groceries in rural Alaska, replacing the salmon harvest with store-bought meat would cost approximately \$7,500 for the average Alaska Native family (in 2008 dollars), representing nearly 20% of the average Alaska Native household income.

10. Pebble mine would negatively impact the waters, fisheries, wildlife, and people of Bristol Bay. Development of the Pebble mine—and the destruction of salmon habitat associated with the mine proposal—would significantly alter the pristine natural environment of the Bristol Bay watershed and adversely affect our traditional ways of life.

11. In the face of the threat of Pebble Mine, BBNC's shareholders have overwhelmingly communicated to BBNC's directors and staff that protecting the salmon, fish habitat and waters of the region must be a corporate priority. BBNC thus has a

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significant interest in the Environmental Protection Agency's ("EPA") Clean Water Act § 404(c) protections as well as the U.S. Army Corps of Engineers ("the Corps") Clean Water Act § 404 permitting process. As such, BBNC has been an active participant in both these processes over the last 14 years, starting with BBNC's 2010 petition to EPA to commence a review process under § 404(c) of the Clean Water Act.

12. During EPA's § 404(c) process, I personally attended, listened to, or reviewed reports regarding the public meetings and hearings hosted by EPA, and I can attest to BBNC's dedicated investment in this public process and the pervasive harms articulated at these meetings over the years. I have personally attended meetings with EPA where BBNC has strongly advocated for protecting Bristol Bay's world-class salmon runs from the threat posed by Pebble Mine. I have listened to the shareholders at repeated annual shareholder meetings as they passionately spoke to their concern for the fish, subsistence lifestyle, communities, descendants, and the health of the fishery. I remember attending a public hearing that was held in Homer, Alaska several years ago where a small brave seven-year-old girl got up and testified. It was short but to the point. Ms. Katia Gregory stated "Keep our water clean and don't throw trash into the water. It ruins mother earth and the territory." To my knowledge, she was the youngest individual make her voice heard for public record. She shared her understanding of the sacredness of our land and pristine waters.

13. Just as many BBNC shareholders and other Bristol Bay residents have expressed harms from the proposed Pebble Mine, I too will be personally harmed if this

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lawsuit results in the court removing EPA's § 404(c) Final Determination. The uncertainty associated with the proposed Pebble Mine has gone on for decades. I worry about the future of our Native way of life, our culture, subsistence resources, and salmon-based economies, and EPA's Clean Water Act Section 404(c) Final Determination has provided me, my family, and the residents of Bristol Bay with necessary protections so that we can move beyond the uncertainty and focus on the lifeblood of our region – salmon. I believe that protection of the salmon is a food security issue – equally important to the nation's economic interests as the Midwest breadbasket or the American cattle industry. The sustainable return of the salmon is a consistent and reliable source of protein for Alaskans, the American people, and the world. I passionately want my family to be able to experience and share in our family legacy and wonderful richness of the salmon culture that is at risk. I am also concerned that there is the potential for well-meaning and frustrated individuals to lose confidence in the federal administrative process. I worry that economic and social disruption in our villages will accelerate if the mine is allowed to go forward as a huge outside influx of specialized mine workers move in putting added pressure on scarce subsistence resources and precipitating accelerated cultural change – a revered culture that I value, respect and will pass on to my younger generations.

14. This case has the potential to substantially affect BBNC's interests in the Bristol Bay region, as well as the cultural, subsistence, and economic interests of BBNC's shareholders. If Plaintiffs prevail on the merits of their claims and obtain the relief sought, EPA will be prevented from doing what BBNC and its shareholders have been urging EPA

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to do for almost 15 years—use its Clean Water Act authority to impose restrictions on any large-scale hard rock mining efforts to develop the Pebble deposit. Therefore, the uncertainty and cultural, social, and economic stress that uncertainty engenders will continue to impact BBNC, its shareholders, and my family.

15. The interests of BBNC and its shareholders are not adequately represented by EPA. BBNC represents the interests of BBNC and its shareholders, whereas EPA represents the broader interests of the American people and is bound by statutory obligations and constraints. As the ANCSA regional corporation for the Bristol Bay region, serving more than 12,000 Yup'ik, Alutiiq, and Dena'ina shareholders with ancestral ties to the Bristol Bay region, BBNC's participation in this litigation will aid the Court's understanding of the issues in this case.

16. For the foregoing reasons, I believe it is essential that BBNC's interests be adequately represented and that BBNC be allowed to intervene in this case as of right and permissively.

17. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 15, 2024.



Andria Agli
SVP, Shareholder and Corporate Relations and Shareholder
Bristol Bay Native Corporation

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